

DOCKET FILE COPY ORIGINAL

RECEIVED


July 14, 1993

JUL 14 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

William F. Caton  
Acting Secretary  
Federal Communications Commission  
Mail Stop 1170  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Dear Mr. Caton:

Re: *CC Docket No. 93-161*  *File No. E-89-85 - Clark-Bader, Inc., d/b/a TMC Long Distance v. Pacific Bell*

On behalf of Pacific Bell, please find enclosed an original and six copies of its "Motion to Accept" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me at 202-383-6423 should you have any questions or require additional information concerning this matter.

Sincerely,



Celia Nogales

Enclosures

No. of Copies rec'd 045  
List A B C D E

RECEIVED

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

JUL 14 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Clark-Bader, Inc., d/b/a	)	
TMC Long Distance	)	
	)	
Complainant	)	CC Docket No. 93-161
	)	
v.	)	File No. E-89-85
	)	
Pacific Bell	)	
	)	
Defendant	)	

To: Presiding Judge Walter C. Miller

MOTION TO ACCEPT

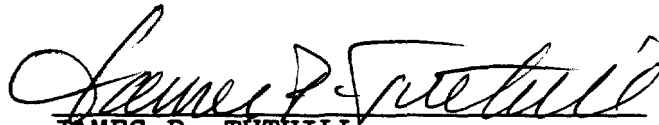
Pacific Bell moves that the attached Petition for Clarification be accepted for filing in the above captioned matter.

The Petition is necessary in order to establish the correct standard for granting witness immunity. The Prehearing Order denies, without prejudice, Pacific's Motion for an Order Granting Immunity to two witnesses, formerly employed by complainant, and misstates the standard for granting immunity. The witnesses have refused to testify without immunity. Their testimony is critical to our defense. They are the only ones who can testify as to the purported falsification of documents which occurred at the direction of the TMC principal. It is

WHEREFORE, Pacific Bell respectfully moves for  
acceptance of the Petition for Clarification.

Respectfully submitted,

PACIFIC BELL

A handwritten signature in cursive script, appearing to read "James P. Tuthill".

JAMES P. TUTHILL  
NANCY C. WOOLF

140 New Montgomery St., Rm. 1523

**CERTIFICATE OF SERVICE**

I, Michael Bickley, certify that I have this 14th day of July, 1993 sent by regular United States mail, postage prepaid copies of the foregoing "Motion to Accept" to:

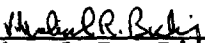
Kathy Levitz  
Acting Chief  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Thomas Wyatt  
Chief, Formal Complaints  
and Investigations Branch  
Federal Communications Commission  
2025 M Street, N.W.  
Washington, D.C. 20036

Judge Walter C. Miller  
Federal Communications Commission  
2000 L Street, N.W., Room 213  
Washington, D.C. 20036

Charles Helein, Esq.  
Galland, Kharasch, Morse &  
Garfinkle, P.C.  
Canal Square  
1054 31st Street, N.W.  
Washington, D.C. 20007-4492

  
\_\_\_\_\_  
Michael R. Bickley